

OP 10-0113

Name Robert James Thomas

Address 3109 N. 1st Ave

Billings, MT 59101

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ORIGINAL

FILED

March 10 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

Robert James Thomas
(designation of party),
Petitioner

MOTION AND AFFIDAVIT IN SUPPORT
OF MOTION TO PROCEED ON APPEAL
WITHOUT PAYMENT OF FILING FEE

v.
Mike Ferriter, DOC Director &
Dave Armstrong, Alternatives Inc., Director
(designation of party).
Respondents

I move this Court to proceed without payment of the filing fee in this cause,
and I submit this Affidavit in support of my motion.

I, Robert J. Thomas, (state your name) being first duly sworn, depose and
say that I am the petitioner (designation of party) in the above-
entitled case; that in support of my application to proceed on appeal without being
required to pay the filing fee, I state that because of my financial condition I am
unable to pay the filing fee; that I believe I am entitled to redress; and that the
issues which I desire to present on appeal are the following:

I represent the final judgment excluded incarceration and previously
awarded street-time credit therefore, overstepping its statutory
authority by imposing a sentence longer than the intended original sentence.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? Yes

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

\$8⁰⁰/hour × 40 hrs per week = \$1,360⁰⁰ monthly gross.
First day of employment, February 26th 2010 @ Griffin's Auto
Detail located at 2990 King Ave W, Billings, MT 59101

b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received.

N/A

2. Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source? If the answer is yes, describe each source of income, and state the amount received from each during the past 12 months.

No

3. Do you own any cash or checking or savings account? If the answer is yes, state the total value of the items owned.

No

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? If the answer is yes, describe the property and state its approximate value.

No

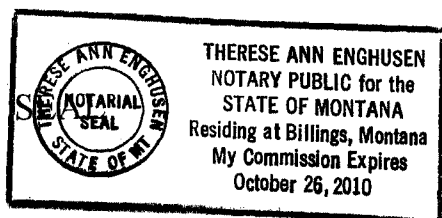
5. List the persons who are dependent upon you for support and state your relationship to those persons.

N/A

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

Robert Thomas

Subscribed and sworn to before me this 8 day of March, 2010.



Therese Ann Enghusen
Notary Public for the State of Montana

Residing at Billings

My Commission expires Oct 26, 2010

MONTANA DEPARTMENT OF CORRECTIONS

CERTIFICATION OF STATEMENT OF ACCOUNT

I, Barbara May, Accounting Technician for Alternatives Incorporated, Alpha House
Pre-Release Center in Billings, Montana, do hereby certify that as of today's date 3/8/10,
inmate Robert Thomas DOC# 2067081, has an account balance of
<748.⁸⁰>. Attached is a statement of the above named individual's account activity and balance.

Signed Barbara May Date 3/8/10

5:08 PM

03/08/10

Accrual Basis

Alpha House Resident Accounts

Account QuickReport

All Transactions

Date	Num	Name	Memo	Amount	Balance
Res Accts					
State Men					
Thomas, Robert					
1/27/2010		Rent	14.00x6 Jan 10	-84.00	-84.00
2/1/2010	20370	MET Transit	Robert Thomas-02/10 mnthly	-22.00	-106.00
2/1/2010	20371	Wal-Mart	Robert Thomas-hyg/undrcloth	-30.00	-136.00
2/1/2010	20372	Smart Style	Robert Thomas-haircut	-15.00	-151.00
2/1/2010		Weekly Draw	mny mgmnt	-20.00	-171.00
2/1/2010		Stamps	mny mgmnt	-8.80	-179.80
2/11/2010		Weekly Draw	2/16 bnkg	-20.00	-199.80
2/11/2010		Treatment Book	LS, PFMA, Parent, Matrix	-40.00	-239.80
2/25/2010		Weekly Draw	3/1 bnkg	-20.00	-259.80
2/28/2010		Rent	14.00x28-Feb 10	-392.00	-651.80
3/1/2010	20893	MET Transit	Robert Thomas-3/10 mnthly	-22.00	-673.80
3/1/2010	20898	Wal-Mart	Robert Thomas-bike supp/wk clth	-75.00	-748.80
Total Thomas, Robert				-748.80	-748.80
Total State Men				-748.80	-748.80
Total Res Accts				-748.80	-748.80
TOTAL				-748.80	-748.80